



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,503	12/11/2000	Megan Burns	20-EB-2098/624226.288	4306

29391 7590 10/08/2004

BEUSSE BROWNLEE WOLTER MORA & MAIRE, P. A.
390 NORTH ORANGE AVENUE
SUITE 2500
ORLANDO, FL 32801

EXAMINER

STERRETT, JONATHAN G

ART UNIT	PAPER NUMBER
----------	--------------

3623

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/734,503

Applicant(s)

BURNS ET AL.

Examiner

Jonathan G. Sterrett

Art Unit

3623

NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12-11-2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/11/00.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Detailed Action

Claim Objections

1. Claim 16 objected to because of the following informalities: In line 20, the term "purchasers", plural, is assumed to be "purchaser", singular, due to the prior reference in the claim to "purchaser" singular. Appropriate correction is required.
2. Claim 25 objected to because of the following informalities: In line 11, the definite article "the" appears to be incorrectly placed. It is assumed to read "use of at least one" instead of "use of the at least one". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1, 2, 20 and 26 are rejected under 35 U.S.C. 102(a) as being anticipated by InterGis Inc.'s Product Payback Calculator (Reference A: TrafficWorld, v264, November 13, 2000. p55. Reference B: archive.org archives the referenced website as early as March 3, 2000).

Regarding Claim 1, InterGis discloses providing access to information related to a product to a prospective purchaser of the product via an information network (Ref A paragraph A); receiving application specific information related to prospective use of the product from the prospective purchaser via the information

Art Unit: 3623

network (Ref A paragraph A); producing data responsive to the application specific information (Reference B: paragraphs D & E) from the prospective purchaser and indicative of a calculated value of the product to the prospective purchaser arising from a prospective purchase and use of the product (Reference B: paragraphs D & E); and communicating the data to the prospective purchaser via the information network (Reference B: paragraphs D & E).

Regarding Claim 2, InterGis discloses all the limitations of Claim 1. InterGis' website also calculates a return on investment parameter responsive to the application specific information (Reference B: paragraphs D & E; Reference A: paragraph A); and communicates the return on investment parameter to the prospective purchaser (Reference A: paragraph A).

Regarding Claim 20, InterGis discloses providing access to information related to a product to a prospective purchaser of the product via an internet website (Ref A paragraph A); requesting application specific information related to prospective use of the product from the prospective purchaser via the internet website (Ref A paragraph A); providing default data so that the prospective purchaser need not provide application specific data (Reference B: paragraph B); producing value data responsive to the application specific information (Reference B: paragraphs D & E) and indicative of a calculated value of the product to the prospective purchaser arising from purchase and use of the product (Reference B: paragraphs D & E); and communicating the data to the prospective purchaser via the internet site (Reference B: paragraphs D & E).

Art Unit: 3623

Claim 26 is rejected under the same rationale as Claims 1 and 20.

5. Claims 10, 18, 19, 23, 24, 25, 27 and 28 are rejected under 35

U.S.C. 102(a) as being anticipated by Morlok ("Using the Internet to reduce inventory", Machine Design, June 15, 2000, p166).

Regarding Claim 10, Morlok discloses a method of electronic commerce containing a database of application information so that a prospective purchaser can access information related to prospective use of one or more products via an information network (paragraph A lines 1-2, paragraph G lines 1-2), receiving application specific information related to the prospective use of at least two of the products from the prospective purchaser via the information network, (paragraph G lines 1-2), producing data responsive to the application specific information from the prospective purchaser and indicative of calculated values of the products arising from prospective purchase and use of at least two products (paragraph G lines 1-2), and communicating the data via the global network (paragraph A lines 1-2, paragraph G lines 3-5).

Regarding Claim 18, Morlok discloses a method of electronic commerce providing access to information so that a prospective purchaser can access information related to prospective use of an upgrade product via an information network (paragraph A lines 1-2, paragraph G lines 4-5), receiving application specific information related to the prospective use of a product utilizing the upgrade from the prospective purchaser via the information network (paragraph G lines 1-2,5), producing a savings parameter for the upgrade product responsive to the application specific information from the prospective purchaser

Art Unit: 3623

(paragraph G lines 4-5), and communicating the savings parameter via the global network (paragraph A lines 1-2, paragraph G lines 3-5). Note the terms “fuel”, “vehicle”, “locomotive”, and “railway” are not granted any patentable weight and are considered to be non-functional descriptive material in the Claim.

Regarding Claim 19, Morlok discloses all the limitations of Claim 18 above. Morlok also discloses receiving application specific information from a prospective purchaser and producing the savings parameter responsive to the application specific information (paragraph G line 2-5). Note the terms “fuel”, “terrain profile”, and “railway” are not granted any patentable weight and are considered to be non-functional descriptive material in the Claim.

Regarding Claim 23, Morlok discloses a method of electronic commerce between a prospective purchaser and supplier comprising: a supplier providing access to product information via an information network (paragraph A lines 1-2, paragraph G lines 4-5), receiving application specific information related to the prospective use of a product from the prospective purchaser (paragraph G lines 1-2,5), producing a savings parameter for the upgrade product responsive to the application specific information from the prospective purchaser (paragraph G lines 4-5), and communicating the savings parameter via the global network (paragraph A lines 1-2, paragraph G lines 3-5). Note the terms “fleet of vehicles” and “fleet” are not granted any patentable weight and are considered to be non-functional descriptive material in the Claim.

Regarding Claim 24, Morlok discloses the limitations of Claim 23 above. Morlok also discloses: a supplier producing a plurality of data sets (paragraph G

Art Unit: 3623

line 1) responsive to application specific information and related to respective alternative values to the prospective purchaser arising from purchase and use (paragraph G line 3-4) of a respective alternative plurality of at least one product and the supplier using the plurality of data to identify a recommended purchase, communicating the recommended purchase to the prospective purchaser via the information network (paragraph A lines 1-2, paragraph F lines 1-5, paragraph G lines 3-5). Note the terms "fleet of vehicles", "sets" and "fleet" are not granted any patentable weight and are considered to be non-functional descriptive material in the Claim.

Regarding Claim 25, Morlok discloses an apparatus for conducting electronic commerce comprising: a supplier data processor having access to data related to a plurality of products and having access to an information network (paragraph A lines 1-2), a prospective purchaser data processor having access to the information network for displaying the data related to the products and for providing to the supplier data processor application specific data related to prospective use of at least one of the products by the prospective purchaser (paragraph G lines 1-2); program instructions executable by the supplier data processor to generate value data responsive to the application specific data and representing a calculated value to the prospective purchaser arising from a prospective purchase and use of at least one of the products (paragraph G lines 3-5). Inherent in Morlok's disclosure is that the website and access to the website contain a supplier data processor and purchaser data processor for accessing the information network, executing program instructions, generating

Art Unit: 3623

value data and displaying the information thereof. Hosting a website requires a supplier data processor, known generally as a web server, because without the server the website would be inoperative. Also, the purchaser data processor is another type of computer, generally known as a PC. Both have access to the information network, known generally as the Internet, for providing and receiving of information by both supplier and purchaser data processors to occur. Both types of computers comprising both web servers and PC's contain and execute program instructions whether contained internally or received remotely from the information network, i.e. internet, and these program instructions generate value data of all types, including data responsive to application specific data, for example, obtained from a web server to a PC.

Regarding Claim 27, Morlok discloses a method of electronic commerce comprising: providing an internet web site for the exchange of information related to a plurality of products (paragraph A lines 1-2), obtaining information related to an existing product owned by a prospective purchaser via the Internet web site (paragraph G lines 2-3), providing a list of potential replacement products to the prospective purchaser via the Internet website, the list of potential replacement products being responsive to the existing product information (paragraph G lines 2-5), calculating a value parameter comparing each of the potential replacement products to the existing product, the value parameter comprising at least one of a savings, a replacement parameter, and an increased capacity parameter (paragraph G lines 2-5), and communicating the value parameters to the prospective purchasers via the internet website (paragraph G

Art Unit: 3623

lines 4-5). Note the terms "locomotive", "locomotives", "replacement", "tonnage" and "fuel" are not granted any patentable weight and are considered to be non-functional descriptive material in the Claim.

Regarding Claim 28, Morlok discloses all of the limitations of Claim 27 above. Morlok discloses receiving application specific information from the prospective purchaser via the Internet website (paragraph G line 3); and calculating a savings parameter responsive to application specific information (paragraph G line 4-5). Note the terms "railroad", "duty cycle" and "fuel" are not granted any patentable weight and are considered to be non-functional descriptive material in the Claim.

Inherent in Morlok's disclosure is that the website and access to the website contain a supplier data processor and purchaser data processor for accessing the information network, executing program instructions, generating value data and displaying the information thereof. Note the terms "vehicle", "vehicles", "locomotive", "replacement", "tonnage", "fuel", "railroad" and "railway" are not granted any patentable weight and are considered to be non-functional descriptive material in the Claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3623

7. Claims 3 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over InterGis in view of Janovski et al. U.S. Patent 5,726,914.

Regarding Claim 3, InterGis teaches all of the claimed elements of Claims 1, 2 and 3 except for using a color scheme responsive to a level of return on investment parameter. Janovski et al. discloses communicating data via a graphical user interface where displayed graphs utilize color indicative of the status of the displayed parameter (Col 10, lines 35-37 and Figure 4). Janovski teaches that using graphs color coded where the color is indicative of performance status enables users to quickly determine the nature of the data that is displayed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of InterGis above, with a graphical user interface with a color scheme responsive to a performance parameter as disclosed by Janovski et al. for the purpose of enabling users to quickly determine the performance information of the level of the return on investment parameter.

Regarding Claim 22, InterGis and Pulliam et al. discloses all the limitations of Claim 20 above. InterGis and Pulliam et al. do not disclose presenting the value data using a color scheme wherein the color of a display corresponds to a numeric magnitude of the value data. Janovski et al. does disclose the use of colors in computer-generated graphs to indicate the status of the numeric magnitude in the value data (column 10 lines 38-41). Janovski teaches that the use of different colors in such a display allows users to quickly determine the performance information that has been displayed (column 10 lines 47-48).

Art Unit: 3623

Combining the limitations of Claim 20, as disclosed by InterGis, with the ability to color code graphs to enhance the meaning of the displayed data, as disclosed by Janovski et al., would enhance the performance of InterGis website, since users could more quickly ascertain the meaning of parameters produced by the website in response to data provided by a prospective purchaser. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the limitations disclosed by InterGis with the color coding of numeric graphs to indicate the numeric magnitude of the value data, as disclosed by Pulliam et al. for the explicit reasons discussed therein above.

8. Claims 4-8, 14, 21 rejected under 35 U.S.C. 103(a) as being unpatentable over InterGis in view of Pulliam et al U.S. Patent 6,609,108.

Regarding Claim 4, InterGis discloses all of the limitations of Claim 1 as noted above. InterGis does not disclose saving at least a portion of the application specific information, and using the saved portion of the application specific information in a further product sales opportunity. Pulliam et al. does disclose saving a portion of a prospective purchaser's application specific information (column 9 lines 21-22), and using the saved portion in a further product sales opportunity (column 10 lines 15-17), since Pulliam et al. notes that this information is saved in a 'prospective buyer database' (column 10 line 18 #336). It is inherent that a 'prospective buyer database' would be used to further target those individuals in the future, i.e. use this information in a further product sales opportunity. And Pulliam et al. teaches that the saved portion of the application specific information can be analyzed to achieve a better

Art Unit: 3623

understanding of potential buyer likes and dislikes for future sales opportunities (column 9 lines 25-28). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of InterGis as noted above, with saving at least a portion of the application specific information; and using the saved portion of the application specific information in a further product sales opportunity, as disclosed by Pulliam et al. for the explicit reasons discussed therein above.

Regarding Claim 5, InterGis discloses all of the limitations of Claim 1 as noted above. InterGis does not teach querying the prospective customer regarding their interest in additional information. Pulliam et al. teaches that the customer may be queried regarding their interest in additional information (column 12 lines 31-33). Querying the customer regarding their interest for additional information is taught by Pulliam et al. as an element that is a favorable alternative leading to a sale (column 7 lines 28-29). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the limitations of Claim 1 as noted above, with querying the customer as to their desire for additional information, as disclosed by Pulliam et al. for the explicit reasons discussed therein above

Regarding Claim 6, InterGis discloses all of the limitations of Claim 1 as noted above. InterGis does not disclose querying the prospective customer regarding their desire to make a purchase. Pulliam et al. teaches querying the prospective customer regarding their desire to make a purchase (column 10 lines 13-14). Querying the customer as to their desire to make a purchase is also a

Art Unit: 3623

well-known marketing technique to help close a sale. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the limitations of Claim 1 as noted above, with querying the customer as to their desire to make a purchase or for additional information as disclosed by Pulliam et al. for the explicit reasons discussed therein above.

Regarding Claim 7, InterGis discloses all of the limitations of Claim 1 as noted above. InterGis does not disclose providing a graphical user interface for receiving application specific information from the purchaser's data processor. Pulliam et al. teaches providing a graphical user interface (hereafter referred to as "GUI") to assist the customer in providing application specific information (column 9 lines 39-41 and Figure 4). Pulliam teaches that providing the customer a GUI to simplify the configuration of an automobile is an element that is a favorable alternative leading to a sale (column 7 lines 28-29). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the limitations of Claim 1 as noted above, with providing the customer a GUI to enter application specific information, as disclosed by Pulliam et al. for the explicit reasons discussed therein above.

Regarding Claim 8, InterGis discloses all of the limitations of Claim 1 as noted above and Pulliam et al. discloses all the limitations of Claim 7 as noted above. InterGis discloses using a web browser GUI to display data (Reference B). It is well known in the art that web browsers display data in a print ready format. Browser software such as Microsoft Explorer™ and Netscape Navigator™ are commonly used packages for displaying data transmitted over

Art Unit: 3623

an information network such as the Internet. Using a web browser to display data so that it is displayed in a print-ready format is preferable over using some other interface means that does not support this a print-ready format. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the limitations of Claims 1 and 7 with providing data to the prospective purchaser in a print ready format, as disclosed by Pulliam et al. for the explicit reasons discussed therein above.

Regarding Claim 14, InterGis discloses a method of electronic commerce providing access to information related to a product to a prospective purchaser of the product via an information network, receiving application specific information related to prospective use of the product from the prospective purchaser via the information network (Reference B: Item 1), producing data responsive to the application specific information from the prospective purchaser and indicative of a calculated value of the product to the prospective purchaser arising from a prospective purchase and use of the product (Reference B: Paragraphs D & E), and communicating the data to the prospective purchaser (Reference B: Paragraphs D & E). InterGis does not disclose using the application specific information to identify a further sales opportunity. Pulliam et al. discloses using the application specific information to identify a further sales opportunity (column 9 line 27). Using the application specific information to further identify a sales opportunity as disclose by Pulliam et al. would improve the method of electronic commerce, as disclosed by InterGis. The application specific information obtained from the prospective purchaser could be used in a database to analyze

Art Unit: 3623

and better understand customer likes and dislikes (column 9 line 26) and further to afford the purchaser satisfactory alternatives that lead to a sale (column 7 lines 28-29), as taught by Pulliam et al. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine a method of electronic commerce, as taught by InterGis, with using the application specific information to identify a further sales opportunity, as taught by Pulliam et al., for the explicit reasons discussed therein above.

Regarding Claim 21, InterGis discloses all the limitations of Claim 20 above. InterGis also discloses providing default data for various parts of his website (see fields on pages 1, 2 and 3 where the default data reside on his website). InterGis does not disclose using a plurality of pull down menus to the prospective purchaser via the internet website to facilitate communication of the application specific information. Pulliam et al. does disclose using pull down menus (column 9 line 41). Pulliam et al.'s pull down menus would enhance InterGis website by making a larger variety of information readily customizable. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the limitations disclosed by InterGis with the pull down menus with default information, as disclosed by Pulliam et al. for the explicit reasons discussed therein above.

9. Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over InterGis in view of Morlok (Reference C: "Using the Internet to reduce Inventory", Machine Design, June 15, 2000, p. 166).

InterGis discloses all of the limitations of Claim 1 and 9 except for handling upgrades. Morlok discloses using an database application in a website where users can input application specific information for a variety of product upgrades and further calculating operating savings and costs associated with the upgrade (Reference C paragraph G). Combining Morlok's capability of handling more than one product upgrade with the ecommerce aspects of InterGis' website would provide prospective users with the opportunity to produce return on investment parameters for a variety of product upgrades. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine providing the limitations of Claim 1, as disclosed by InterGis, with the capability of calculating product upgrades' costs and savings, as disclosed by Morlok, for the explicit reasons discussed therein above. Note the terms "off-highway mining vehicle", "vehicle", "mine", "total system" and "total system operation" are not granted any patentable weight and are considered to be non-functional descriptive material in the Claim.

10. Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Morlok in view of Pulliam et al.

Regarding Claim 11, Morlok discloses all of the limitations of Claim 10, as noted above. Morlok does not disclose using data to identify a recommended product to be purchased by the prospective purchaser. Pulliam et al. teaches using data to analyze for the purpose of identifying potential buyer likes and dislikes (column 9 lines 26-27) and developing recommendations (column 9 line 27) and for use in further sales opportunities to communicate the

Art Unit: 3623

recommendations to prospective purchasers (column 8 lines 57-59). Using data from customers evaluating upgrades to recommend specific products would improve the cost savings analysis website tool disclosed by Morlok. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the limitations of Claim 10 with using the data to identify a recommended product to be purchased by the prospective purchaser, and communicating the recommendation to the prospective purchaser, as taught by Pulliam et al., for the explicit reasons discussed therein above.

11. Claims 12, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morlok in view of InterGis.

Regarding Claim 12, Morlok discloses all of the limitations of Claim 10, as noted above. Morlok also discloses creating an Internet website containing information related to a plurality of products (paragraph G line1-2), receiving application specific information related to the prospective purchaser's use of a vehicle (paragraph G line 3). Morlok does not disclose using producing a return on investment parameter responsive to the application specific information. Morlok does calculate an annual savings parameter. InterGis does disclose calculating a return on investment parameter responsive to the application specific information (Reference B: paragraph E) and communicating the return on investment parameter to the prospective purchaser via the information network. Calculating return on investment parameters responsive to application specific information on a plurality of products would improve the cost savings analysis website tool disclosed by Morlok since it would provide a more

Art Unit: 3623

comprehensive analysis of the investment required to purchase a product.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the limitations of Claim 10 with providing an Internet web site containing information related to a plurality of products; receiving application specific information related to the prospective purchaser's projected use of a plurality of products or upgrades, as disclosed by Morlok, with producing a return on investment parameter responsive to the application specific information for at least one of a plurality of products; and communicating the return on investment parameter to the prospective purchaser via the information network, as taught by InterGis, for the explicit reasons discussed therein above. Note the terms "vehicle" and "vehicles" are not granted any patentable weight and are considered to be non-functional descriptive material in the Claim.

Regarding Claim 15, Morlok discloses all of the limitations of Claim 10, as noted above. Morlok also discloses creating an Internet website containing information related to a plurality of products (paragraph G line1-2), receiving application specific information related to the prospective purchaser's use of a vehicle (paragraph G line 3). Morlok does not disclose using producing a return on investment parameter responsive to the application specific information. Morlok does calculate an annual savings parameter. InterGis does disclose calculating a return on investment parameter responsive to the application specific information (Reference B: paragraph E), and communicating the return on investment parameter to the prospective purchaser via the information

Art Unit: 3623

network. Calculating return on investment parameters responsive to application specific information on a plurality of products would improve the cost savings analysis website tool disclosed by Morlok since it would provide a more comprehensive analysis of the investment required to purchase a product. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine providing an Internet web site containing information related to a product upgrade, receiving application specific information related to the prospective purchaser's projected use of product upgrade, as disclosed by Morlok, with producing a return on investment parameter responsive to the application specific information for an upgrade product, and communicating the return on investment parameter to the prospective purchaser via the information network, as taught by InterGis, for the explicit reasons discussed therein above. Note the terms "locomotive" and "railway" are not granted any patentable weight and are considered to be non-functional descriptive material in the Claim.

Regarding Claim 16, Morlok and Pulliam discloses all of the limitations of Claim 15, as noted above. Morlok also discloses creating an Internet website containing information related to a number of product upgrades (paragraph G line1-2), receiving application specific information related to the prospective purchaser's use of a product (paragraph G line 3). Morlok does not disclose using producing a return on investment parameter responsive to the application specific information. Morlok does calculate an annual savings parameter. InterGis does disclose calculating a return on investment parameter responsive

Art Unit: 3623

to the application specific information (Reference B: paragraph E) and communicating the return on investment parameter to the prospective purchaser via the information network. Calculating return on investment parameters responsive to application specific information on product upgrades would improve the cost savings analysis website tool disclosed by Morlok since it would provide a more comprehensive analysis of the investment required to purchase a product. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine providing an Internet web site containing information related to a product upgrade; receiving application specific information related to the prospective purchaser's projected use of product upgrade, as disclosed by Morlok, with producing a return on investment parameter responsive to the application specific information for an upgrade product; and communicating the return on investment parameter to the prospective purchaser via the information network, as taught by InterGis, for the explicit reasons discussed therein above. Note the terms "locomotive" and "railway" are not granted any patentable weight and are considered to be non-functional descriptive material in the Claim.

12. Claims 13 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Morlok in view of InterGis and further in view of Pulliam et al.

Regarding Claim 13, Morlok and InterGis disclose all of the limitations of Claim 12, as noted above. Morlok and InterGis do not disclose receiving application specific information related to the terrain over which the prospective purchaser anticipates use of a vehicle. Pulliam et al. discloses receiving

Art Unit: 3623

application specific information related to the terrain over which the prospective purchaser anticipates use of a vehicle (column 23, line 21) by allowing the prospective purchaser to specify whether a vehicle is four- or two-wheel drive. Receiving application specific information related to the terrain over which the prospective purchaser anticipates use of a vehicle would improve the producing of a return on investment parameter since the prospective purchaser could determine the impact of the additional cost, for example, of selecting four wheel drive over two wheel drive, on the return on investment parameter. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the limitations of Claim 12 with receiving application specific information related to the terrain over which the prospective purchaser anticipates use of a vehicle, as taught by Pulliam et al., for the explicit reasons discussed therein above. Note the term "vehicle" is not granted any patentable weight and are considered to be non-functional descriptive material in the Claim.

Regarding Claim 17, Morlok and InterGis disclose all the limitations of Claim 16 above. Morlok and InterGis do not disclose using the return on investment parameters to identify a recommended upgrade product. Pulliam et al. teaches that gathering information from prospective purchasers to analyze in a database (column 9 line 21) to understand prospective purchaser's wants and needs (column 9 line 26-27) and further identify further sales opportunities in a useful step in electronic commerce (column 7 line 29). Combining InterGis' and Morlok's method of electronic commerce to produce a return on investment parameter, as disclosed in Claims 15 and 16, with Pulliam et al.'s teaching of

Art Unit: 3623

using application specific information from prospective purchaser's to analyze further sales opportunities would provide the prospective purchaser with a more comprehensive understanding of the investment implications of purchasing a product upgrade. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine a method of electronic commerce producing a return on investment parameter, as disclosed by Morlok and InterGis in Claims 15 and 16 above, with utilizing the return on investment parameter to identify an upgrade product, as disclosed by Pulliam et al., for the explicit reasons discussed therein above. Note the term "locomotive" is not granted any patentable weight and is considered to be non-functional descriptive material in the Claim.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Guheen et al. U.S. Patent 6,519,571, discloses an invention for using various user indicia for the purposes of customizing a user interface. Katz et al. U.S. Patent 6,055,513 discloses an invention for electronic commerce. Melchione et al. U.S. Patent 5,930,764 discloses an invention for sales and marketing support using a customer information database. Crooks et al. U.S. Patents 5,930,773 and 6,088,688 discloses inventions for computerized, online utility management. Johnson U.S. Patent 5,493,490 discloses an invention for preparation of electronic proposals for selling vehicles. Shoquist et al. U.S. Patent 5,361,199 discloses an invention for electronic procurement with multi-system data access. Dworkin U.S. Patent 4,992,940 discloses an invention


Art Unit: 3623

for automated selection of equipment through input of user-desired specifications. Weiss et al. U.S. Patent 4,992,940 discloses an invention for electronic display of various types of financial data and investment instruments. Smith et al. U.S. Patent 6,052,669 discloses an invention for online configuration and ordering of furniture systems. Chelliah et al. U.S. Patent 5,710,887 discloses an invention for a method of electronic commerce.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 703-305-0550. The examiner can normally be reached from 8am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600